

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

## NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 1999

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 717) to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION SHORT TITLE.

This Act may be cited as the "National Parks Air Tour Management Act of 1999".

### SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this Act reflects the recommendations made by that Group.

### SEC. 3. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

#### \*§ 40125. Overflights of national parks

“(a) IN GENERAL.—

“(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

“(A) in accordance with this section;

“(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

“(C) in accordance with any applicable air tour management plan for the park.

“(2) APPLICATION FOR OPERATING AUTHORITY.—

“(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

“(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

“(i) the safety record of the person submitting the proposal or pilots employed by the person;

“(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

“(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the company;

“(v) any training programs for pilots provided by the person submitting the proposal; and

“(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

“(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

“(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(3) EXCEPTION.—

“(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

“(B) LIMIT ON EXCEPTIONS.—Not more than 5 flights in any 30-day period over a single national park may be conducted under this paragraph.

“(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

“(b) AIR TOUR MANAGEMENT PLANS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

“(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

“(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

“(3) CONTENTS.—An air tour management plan for a national park—

“(A) may limit or prohibit commercial air tour operations;

“(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

“(C) may apply to all commercial air tour operations;

“(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

“(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

“(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

“(A) hold at least one public meeting with interested parties to develop the air tour management plan;

“(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

“(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

“(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

“(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

“(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

“(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

“(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

“(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

“(3) the area of operation;

“(4) the frequency of flights conducted by the person offering the flight;

“(5) the route of flight;

“(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

“(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

“(8) any other factors that the Administrator considers appropriate.

“(d) INTERIM OPERATING AUTHORITY.—

“(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

“(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

“(A) shall provide annual authorization only for the greater of—

“(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

“(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

“(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

“(C) shall be published in the Federal Register to provide notice and opportunity for comment;

“(D) may be revoked by the Administrator for cause;

“(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

“(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

“(G) shall promote safe operations of the commercial air tour;

“(H) shall promote the adoption of quiet technology, as appropriate; and

“(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

“(e) EXEMPTIONS.—

“(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

“(A) the Grand Canyon National Park;

“(B) tribal lands within or abutting the Grand Canyon National Park; or

“(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

“(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100-91 (16 U.S.C. 1a-1 note; 101 Stat. 674-678) is no longer in effect.

“(3) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) COMMERCIAL AIR TOUR OPERATOR.—The term ‘commercial air tour operator’ means any person who conducts a commercial air tour operation.

“(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term ‘existing commercial air tour operator’ means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

“(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that—

“(A) applies for operating authority as a commercial air tour operator for a national park; and

“(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

“(4) COMMERCIAL AIR TOUR OPERATION.—The term ‘commercial air tour operation’ means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

“(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

“(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

“(5) NATIONAL PARK.—The term ‘national park’ means any unit of the National Park System.

“(6) TRIBAL LANDS.—The term ‘tribal lands’ means Indian country (as that term is defined in section 1151 of title 18, United States Code) that is within or abutting a national park.

“(7) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(8) DIRECTOR.—The term ‘Director’ means the Director of the National Park Service.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 of title 49, United States Code, is amended by adding at the end the following:

“40125. Overflights of national parks.”.

#### SEC. 4. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this Act and the amendments made by this Act;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular

places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) **ADMINISTRATIVE SUPPORT.**—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) **NONAPPLICATION OF FACA.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

#### SEC. 5. REPORTS.

(a) **OVERFLIGHT FEE REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) **QUIET AIRCRAFT TECHNOLOGY REPORT.**—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this Act in providing incentives for the development and use of quiet aircraft technology.

#### SEC. 6. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

#### SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **DIRECTOR.**—The term “Director” means the Director of the National Park Service.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 717 is an important bill. It represents an historic consensus among Members of Congress and between the air tour industry, conservationists and Federal regulators.

Last Congress, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI) and I as well as several of our distinguished colleagues introduced the National Parks Air Tour Management Act of 1998.

This bill passed the House with tremendous support, but unfortunately foundered due to the slot controversy that overwhelmed us at the end of the 105th Congress.

This bill strikes a balance between air tour operators and conservation-

ists, Native American interests and jurisdictional divisions between the Federal Aviation Administration and the National Park Service. It brings together groups that started very far apart, Madam Speaker, and is a very good bill because of the compromise that it reaches.

The bill promotes safety and quiet in national parks by establishing a process for developing air tour flight management in and around our national parks.

It accomplishes this while ensuring that the FAA has sole authority to control airspace over the United States and that the National Park Service has the responsibility to manage park resources.

Under this legislation, both agencies will work together to develop air tour management plans over national parks to ensure that these air tours are conducted in a safe, efficient and unintrusive, meaning very quiet, manner. At the same time, these air tour management plans will ensure that both air and land visitors to the park are able to experience the park's natural beauty and natural quiet.

I have participated along with many of my colleagues in several hearings over the years on this issue of overflights over our national parks. In 1997, the gentleman from Utah (Mr. HANSEN) of the Subcommittee on National Parks and Public Lands and myself held a field hearing on this issue in St. George, Utah. At that time it appeared that it would be extremely difficult to be able to reach a consensus on this matter because everyone was so far apart. However, with resolve and determination, we have worked out our differences and have crafted legislation that is acceptable to all concerned.

Finally, Madam Speaker, I would like to acknowledge the hard work and dedication of the National Parks Overflights Working Group. These working group members were selected by the administration and represent the air tour, environmental and Native American communities. Together with the Federal Aviation Administration and the National Park Service, this group negotiated together and came up with a framework for regulating air tours over national parks.

I am proud of the efforts made on this bill. The agreements that we reached will ensure that ground visitors and the elderly, disabled and time-constrained traveler may continue to enjoy the scenic beauty of our national parks for generations to come.

We have made a few small changes in the bill to ensure that it is consistent with our agreement with the Committee on Resources. This is a good bill. I strongly urge my fellow Members to support it.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 717, the National Parks Air Tour Management Act of 1999 which was reported favorably by both the Subcommittee on Aviation and the full Committee on Transportation and Infrastructure.

I want to thank the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Minnesota (Mr. OBERSTAR) for introducing H.R. 717. This bill addresses the important issue of managing air tours over America's national parks, and I am very proud to support it.

For 2 years, the National Parks Overflights Working Group, comprised of the Federal Aviation Administration, the National Park Service, the air tour industry, general aviation and environmental and Native American interests, have held a series of discussions about the effects of aircraft noise on national parks. H.R. 717 is a product of those discussions.

H.R. 717 balances the interests of both air tour and land visitors to our Nation's park system. Over the past several years, many national parks have experienced significant increases in the volume of air tour activity. Recent studies indicate that at least 5 million passengers viewed our Nation's parks by air last year alone. This increase in air traffic and the resulting noise pollution can be disturbing to the quiet enjoyment of hikers and other ground tourists visiting our parks.

The bill seeks to promote safety and quiet in national parks by establishing a process for developing air tour flight management plans in and around our national parks. The bill would require commercial air tour operators that conduct tours in national parks or tribal lands to comply with an air tour management plan. The commercial air tour operator would have to apply for authority to conduct operations over a park and the FAA administrator would prescribe operating conditions and limitations for each air tour operator in accordance with the appropriate ATMP.

Additionally, ATMPs are to be developed through public process. The final record of decision is subject to judicial review. The objective of the ATMP is to develop acceptable measures to mitigate the adverse impacts of commercial air tours upon national and cultural resources in national parks and tribal lands.

I urge my colleagues to support this important legislation which will help protect our Nation's natural and cultural resources.

Madam Speaker, I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I urge all Members to support the National Parks Air Tour Management Act of 1999.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 717, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SENSE OF CONGRESS REGARDING EUROPEAN COUNCIL NOISE RULE AFFECTING HUSHKITTED AND REENGINEED AIRCRAFT

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengineed aircraft, as amended.

The Clerk read as follows:

H. CON. RES. 187

Whereas for more than 50 years, the International Civil Aviation Organization (in this resolution referred to as the "ICAO") has been the single entity vested with authority to establish international noise and emissions standards and, through the ICAO's efforts, aircraft noise has decreased by an average of 40 percent since 1970;

Whereas the ICAO is currently working on an expedited basis on even more stringent international noise standards, taking into account economic reasonableness, technical feasibility, and environmental benefits;

Whereas international noise and emissions standards are critical to maintaining the economic viability of United States aeronautical industries and to obtaining their ongoing commitment to progressively more stringent noise reduction efforts;

Whereas European Council Regulation No. 925/1999, banning certain aircraft meeting the highest internationally recognized noise standards from flying in Europe, undermines the integrity of the ICAO process and undercuts the likelihood that new Stage 4 aircraft noise standards will be developed;

Whereas while no regional standard is acceptable, European Council Regulation No. 925/1999 is particularly offensive because there is no scientific basis for the regulation and because the regulation has been carefully crafted to protect European aviation interests while imposing arbitrary, substantial, and unfounded cost burdens on United States aeronautical industries;

Whereas the vast majority of aircraft that will be affected by European Council Regulation No. 925/1999 are operated by United States flag carriers; and

Whereas implementation of European Council Regulation No. 925/1999 will result in a loss of jobs in the United States and may cost United States aeronautical industries in excess of \$2,000,000,000: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

(1) if European Council Regulation No. 925/1999 is not rescinded by the European Council at the earliest possible date, the Secre-

taries of Transportation and State should take all appropriate actions to ensure that a petition regarding the regulation is filed with the International Civil Aviation Organization pursuant to Article 84 of the Chicago Convention; and

(2) the Secretaries of Commerce, State, and Transportation and other appropriate parties should use all reasonable means available to them to ensure that the goal of having the regulation rescinded is achieved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a very good resolution. I think also a very strong resolution. It targets a European Union regulation that unfairly restricts the use of hushkitted and reengineed aircraft in the European Union. The EU seeks to ban these aircraft, which are mostly U.S.-owned, from use beginning in 2002. The European Union claims that the regulation is written to target excessively noisy aircraft.

However, its argument ignores the fact that the aircraft it seeks to ban have been modified to meet all U.S. and international noise restrictions. It also ignores the fact that the regulation allows noisier aircraft to operate in Europe than those it seeks to ban. Let me repeat that, Madam Speaker. This regulation by the EU bans primarily U.S. aircraft, almost exclusively U.S. aircraft, and would allow noisier European aircraft than those U.S. aircraft that this rule would ban.

The resolution directs the U.S. Government to take all immediate steps available to ensure that the regulation is rescinded as soon as possible.

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If this is not done, Madam Speaker, the resolution also directs the Department of Transportation to take all available steps to ensure that a dispute resolution petition is filed with the International Civil Aviation Association.

We are making a small change in the resolution and directing the Department of State to take a role in beginning the dispute resolution process also. There has been strong interest recently regarding the status of this regulation. The House Subcommittee on Aviation, which I have the privilege to chair, held a hearing on the issue earlier this month. The subcommittee heard testimony about the great chilling effect of the regulation on the U.S. aviation industry. The European regulation has already cost the industry many, many millions in lost hushkit sales. It expects to lose much more in engine and spare parts sales.

The estimates are that the industry could lose as much as \$2 billion. In fact, some people estimate that the losses already total over 1 billion and that ultimately U.S. industry could lose as much as \$2 billion if this European Union regulation is not eliminated.

This issue has already been visited by this body at one time. Earlier this year, the House passed legislation sponsored by my good friend, the gentleman from Minnesota (Mr. OBERSTAR), that would ban the use of the Concorde in the U.S. if the EU regulation was passed. The EU passed its regulation anyway but agreed to defer its implementation for a year. The regulation, though, is adversely affecting U.S. industry even though the EU deferred the implementation of the regulation. Further deferral will only magnify this effect. This discriminatory regulation must be rescinded, and it must be done quickly.

I would like to thank the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations for all their hard work and cooperation on this issue. In addition, the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) have devoted a great deal of time and attention to this issue. I strongly support this resolution, and I urge all of my colleagues to do the same.

Madam Speaker I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), my distinguished subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Illinois (Mr. LIPINSKI) for introducing House Concurrent Resolution 187 expressing the sense of Congress regarding the European Council Noise Rule affecting hushkitted and reengineed aircraft. I urge my colleagues to support this swift and decisive response to a harsh and unjustified European Union noise-reduction regulation which would harm American industry.

The International Civil Aviation Organization, ICAO, created by the Chicago Convention, sets and administers international certification standards for aircraft. Once an aircraft is certified as having met ICAO standards, there should be no restrictions on an operator's use of that aircraft in ICAO member countries. Simply put, ICAO certification gives operators and investors assurances of worldwide marketability.

ICAO has promulgated international noise restrictions known as Chapter 3